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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,594	05/28/2002	Michael D Freaney	P 290642	6299
909	7590	05/20/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			BOYER, CHARLES I	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

1751

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,594

Applicant(s)

FREANEY ET AL.

Examiner

Charles I Boyer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/16/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies et al, US 5,658,874.

Davies et al teach detergent tablets compacted from powders containing builders and disintegrants (see abstract). An example of such a tablet is prepared from a powder comprising 35.3% zeolite, 1.2% sodium carboxymethyl cellulose, and 3.8% soap (col. 9, example 2). Note that zeolite P is a suitable zeolite of the invention (col. 5, line 25) and the tablets may be homogeneous or heterogeneous (col. 2, lines 53-61). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-12, and 14-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Seiter et al, US 5,900,399.

Seiter et al teach detergent tablets (see abstract). An example of such a tablet is prepared from a powder comprising 15% zeolite, 0.5% sodium carboxymethyl cellulose, and additional surfactants and builders (col. 13, example 2). Note that zeolite P is a suitable zeolite of the invention (col. 5, line 28). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson et al, US 6,301,733.

Dawson et al teach detergent tablets (see abstract). An example of such a tablet is prepared from a powder comprising 52.9% zeolite P, 1.4% sodium carboxymethyl cellulose, and 5.9% soap (col. 8, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-9, 11, 12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fry et al, US 5,225,100.

Fry et al teach detergent tablets (see abstract). An example of such a tablet is prepared from a powder comprising 37% zeolite A, 0.5% sodium carboxymethyl cellulose, and 7% soap (col. 13, example 7). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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6. Claims 1-9, 11, 12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bijl et al, US 6,066,615.

Bijl et al teach detergent tablets (see abstract). An example of such a tablet is prepared from a powder comprising 29.3% zeolite A, 0.8% sodium carboxymethyl cellulose, and 2.9% soap (col. 12, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-12, 14-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon, US 6,093,688.

Gordon teaches detergent tablets (see abstract). An example of such a tablet is prepared from a powder comprising 28% zeolite P, 0.5% sodium carboxymethyl cellulose, and 1% soap (col. 12, example 5). The tablets may be homogeneous or heterogeneous (col. 8, lines 10-14). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiter et al, US 5,900,399.

10. Seiter et al are relied upon as set forth above. With respect to the particle sizes of water swellable agents, the examiner maintains that the selection of appropriately sized tablet ingredients is an obvious design choice to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
Art Unit 1751